

Andover Conservation Commission Meeting Minutes
March 1, 2011

Town of Andover
36 Bartlett Street
3rd Floor Conference Room
7:45pm

Conservation Commission Members in Attendance:

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Kevin Porter, Commissioner Alix Driscoll, Commissioner Gail Ralston and Commissioner Floyd Greenwood. Staff Member present was Robert Douglas, Director of Conservation.

SCHEDULED ITEMS:

9 Wildwood Road

Present in Interest: Jean F. Grenon and Craig Liversidge

Staff Recommendation: Find Negative Determination as not have to file Notice of Intent..

Continued public meeting on the Request for Determination of Applicability filed to determine of the construction of 2 additions is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is under the WPA only and complete. There are no waivers needed. This is a small lot and the wall does delineate the wetlands and preserves the slope. 25' monumentation to be installed following the silt fence line. The Commission will schedule a site visit to view the cantileavers and stone wall boundary.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Approve as Neg. 3 to include permanent monumentation between the end of the boulder wall and existing monumentation at the discretion of staff. The Motion was seconded by Commissioner Porter and unanimously approved.

MassDOT
I-93 Roadsides

Staff Recommendation: Continue

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed Herbicide Spraying project along I-93 roadsides is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is under both the WPA and By-Laws. The advertisement was not properly advertised and the Applicant is unable to attend.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Continue to March 15, 2011, it was seconded by Commissioner Driscoll and unanimously approved.

9 Prides Circle
Present in Interest: Steven Ericksen and Craig Liversidge

Staff Recommendation: Close the Hearing and Approve

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection for the proposed construction of a landscape wall, inground pool and walkway.

Mr. Douglas presented this to the Commission. This was continued from February 15, 2011. The Commission has asked the Applicant to increase the pool setback and resubmit a new plan. The site walk was done by the Commission. The Commission thought the pool and deck were to be shifted to another location on the property. The applicant has submitted a new plan with the pool in the same place and the deck has increased, but there is a cut out on the patio with a hot tub and one additional walkway. We did get 10 feet from the patio to the wetland, but this is not what the Commission was expecting. Chairman Cooper suggested approving the original plan submitted with the condition of meeting the specific setback.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to deny the project, it was seconded by Commissioner Ralston. The Motion was approved by Commissioners Driscoll, Greenwood and Ralston and denied by Commissioners Porter, Cooper and Walsh. The Motion died for lack of majority.

Commissioner Porter made a Motion to Approve the original plan submitted incorporating the cut out on the new plan with the nearest part of the pool or patio to be no closer than 10 feet from the wetland, it was seconded by Commissioner Driscoll. The Motion was approved by Commissioners Porter, Driscoll, Cooper and Walsh, Commissioners Ralston and Greenwood were opposed. Motion passed. Commissioner Driscoll made a Motion to close the public hearing, it was seconded by Commissioner Porter and unanimously approved.

72 Chandler Road

Staff Recommendation: Approve

Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed demolition of an existing dwelling and garage and the construction of a new dwelling with driveway, grading and utilities.

Mr. Douglas presented this to the Commission. This was continued from February 15, 2011 for purposes of a site visit by the Commission. The site visit was completed. This is a new structure to be built between the wetlands, which is the best placement possible on the lot.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to close the public hearing, approve the stream as intermittent and issue the Order of Conditions as presented by staff. The Motion was seconded by Commissioner Ralston and unanimously approved.

7 Wescott Road

Present in Interest: Bernie Paquin, Adam Simms, Bob Vanasse and Ralph Sabatino

Staff Recommendation: Continue

Continued public hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of an inground pool with associated sitework.

Mr. Douglas presented this to the Commission. The plan submitted meets the setback requirements for a pool with two retaining walls. The trees west of the pool will be cut and one pine tree on the edge of the 25 foot setback will be cut as well. The swing set and existing retaining wall will be removed and 3 red maples will be planted. They will also remove the fallen and dead trees from the wetlands leaving the root systems. Medallions will be placed at the 25 foot setback.

Bob Vanasse addressed the Commission. His daughter is an abutter to this property and he fears that any change in grading or contour would change the drainage toward his daughter's property. They would like it to drain towards the wetland. He also inquired if a variance is required for this project.

Adam Simms, the abutter, addressed the Commission. He is concerned the bulldozers used for construction will destroy the shrubbery planted last spring along the lot line.

Bernie Paquin informed them that there is no variance required since the offset is 15 feet. The grading will be changed to allow drainage to run towards the wetland in the rear of the property, not the abutter's property. He also assured the neighbor that the Arborvitae will not be disturbed during the construction of the pool.

Commissioner Greenwood inquired if the tree cutting was necessary and if there would be a drywell installed for drainage of the pool. The tree cutting is necessary for the construction equipment and to keep the pool clear of trees and debris. A drywell will be installed.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to close the public hearing and the drainage issues to be addressed with the abutter and the Order of Conditions will be issued at the next meeting. The Motion was seconded by Commissioner Driscoll and unanimously approved.

52 William Street

Present in Interest: Steve Gates, Eric Rumpf, Steve Livermore

Staff Recommendation: Continue

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-law for the proposed demolition of an existing dwelling and garage and the construction of a single family dwelling.

Mr. Douglas presented this to the Commission. This was continued from December 7, 2010. The site walk was completed and revegetation is coming along. The Applicant was asked to file the application for the ZBA Special Permit at the last hearing, it has not been done. There is a lack of sufficient frontage. This is a pre-existing, nonconforming lot. The use can be maintained, but it cannot be made more nonconforming, the Applicant cannot create his own hardship.

Steve Gates asked if zoning and wetland issues were linked. He believes since this is a nonconforming lot, the Applicant will need ZBA approval.

Eric Rumpf responded that they did not need to apply for ZBA approval.

Steve Livermore stated that the zoning issues need to be worked out with Kaija Gilmore.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to continue to April 15, 2011, it was seconded by Commissioner Driscoll and unanimously approved.

40 Andover Country Club Lane
Present in Interest: Steve Ericksen

Staff Recommendation: Continue

Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed excavation of two irrigation ponds at the Andover Country Club.

Mr. Douglas presented this to the Commission. The ponds are used for irrigation of the country club and are now filled with silt and only 5 feet deep. An excavator will dredge the ponds, and trucks filled with silt fencing will be used to haul the material away. The dredging requires the Army Corp of Engineers be involved. No DEP Comments. Staff believes that "Land under Water" presumed to be significant to wildlife habitat. If the land under water is significant to wildlife habitat, and if the proposal is to alter more than 10% of the land under water, a wildlife habitat evaluation under 10.60 must be conducted. Steve Ericksen believes is it NOT the intent of the Legislature to include golf courses, it is interpreted to mean that a perennial stream and pond used for irrigation in said stream are exempt from consideration of wildlife habitat value.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to April 15, 2011, it was seconded by Vice Chairman Walsh and unanimously approved.

ACTION ITEMS:

3 Avery Lane
Present in Interest: Steve Ericksen

Staff Recommendation: Approve Restoration Plan.

Review of Restoration Plan submitted as a result of Enforcement Order issued. The Property owners encroached onto Conservation Land by placing a shed on a cement slab, yard work done around the stream and a jungle gym with lawn area. The Property owners will move the jungle gym and shed, permanent markers will be installed and area allowed to be restored. Commissioner Greenwood observed a dramatic change in grade to the wetland and it appears the stone wall is holding back a lot of earth which would make a gradual slope to the wetland instead of a steep slope as it is now. Mr. Douglas suggested using the stones from the stone wall to use as bigger markers to make a permanent marker along the lot line with the Conservation Land.

Chairman Greenwood made a Motion to Approve the planting plan, but to include fill and rocks to be removed from Conservation Land and bring back to original grade, and use boulders for permanent marker along lot line. Applicant may request relocating the stone wall to the property line instead of the stone markers. The Motion was seconded by Commissioner Driscoll and unanimously approved.

CONSENT AGENDA:

8 Belle Isle Way

Vote to ratify Enforcement Order and table discussion until the second Meeting in May.

Commissioner Ralston made a Motion to ratify the Enforcement Order and table discussion until the second meeting in May, it was seconded by Commissioner Driscoll and unanimously approved.

Andover Country Club

Present in Interest: Steve Ericksen and Steve Grossman

Discussion regarding mitigation planting plan for cutting that was performed on site. The mitigation plan submitted is not sufficient. More plants of larger caliber are needed with a mixed canopy. Stumps need to be located and put on the plan. The Commission will work with Paul Finger for recommendation of planting plan revisions.

Vice Chairman Walsh made a Motion that the planting plan submitted was not acceptable and a revised plan needs to be submitted, it was seconded by Commissioner Ralston and unanimously approved.

Minutes

Approval of minutes from February 15, 2011 meeting.

Commissioner Ralston made a Motion to Approve the minutes, it was seconded by Commissioner Driscoll and unanimously approved.

DISCUSSION ITEMS:

High Plain road – Wood Hill Area

“Dog Park”

Present in Interest: Wayne Nader and Alex Vispoli

A dog park is proposed for the Wood Hill Area on High Plain Road. 8 sites were reviewed and this 4.5 acre area along Route 495 off High Plain Road was best suited for a dog park. Roughly 1.5 acres will be fenced in, the existing parking lot will be expanded and the driveway widened. Commissioner Ralston voiced her opinion that no trees be cut down in the process.

The Commission advised that no more than 2 acres should be chosen and which trees will remain be shown on the plan.

Commissioner Driscoll made a Motion to Approve the area for the dog park, 1-2 acres with plan showing trees to remain and trees to be removed. The Motion failed for lack of a second motion.

Commissioner Greenwood asked that a conceptual plan be presented at the next meeting.

Commissioner Ralston made a Motion to Approve in theory this location for a dog park, provided a plan is provided to the Commission at a future meeting, Commissioner Driscoll seconded the Motion and it was approved. Chairman Cooper was opposed.

14 Evergreen Lane

Wilson Horsley has not complied with the Enforcement Order issued.

Tabled

INFORMATION ITEMS THAT MAY REQUIRE A VOTE:

Amendment Open Space

Residential Design

Discussion regarding memo from Planning Division regarding P-19 Amendment-Open Space Residential Design (OSRD) Section 7.7. 5 acre cluster zoning with smaller lots and 30% open space conveyed to the Conservation Commission or other nonprofit. The Commission would like access of the open space by the public.

Continue to meeting with Planning Board on March 29, 2011.

The next meeting will be held March 15, 2011 at 7:45pm.

The meeting was adjourned at 10:45pm by Motion of Commissioner Ralston, seconded by Commissioner Driscoll and unanimously approved.

Respectfully submitted by:

**Lynn Viselli,
Recording Secretary**